



PATENT
Customer No. 22,852
Attorney Docket No. 3495.0188-01

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yves JACOB et al.) Group Art Unit: 1648
Serial No.: 10/608,538) Examiner: Li, Bao Q.
Filed: June 30, 2003)
For: CHIMERIC LYSSAVIRUS) Confirmation No.: 8265
 NUCLEIC ACIDS AND)
 POLYPEPTIDES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated December 19, 2005, the Examiner required restriction under 35 U.S.C. § 121 between:

I. Claims 1-19, 51-52, and 55, drawn to a polynucleotide, a composition comprising the polynucleotide and a method of using the same, wherein the polynucleotide comprises a coding sequence encoding the site III, C-terminal half, transmembrane, and cytoplasmic domains of a lyssavirus glycoprotein, classified in class 536, subclass 23.72.

II. Claims 20-34, drawn to a polynucleotide comprising a coding sequence encoding the site II, site III, transmembrane, and cytoplasmic domain of a lyssavirus glycoprotein, classified in class 535, subclass 23.72.

III. Claims 35-42, drawn to a polypeptide comprising site III polypeptide, C-terminal half, transmembrane domain, and cytoplasmic domain of a lyssavirus glycoprotein, classified in class 424, subclass 192.1.

IV. Claims 43-50, and 53 drawn to a polypeptide and composition comprising the polypeptide and method of using the same, classified in class 530, subclass 350.

V. Claim 56, drawn to a plasmid with Accession Number I-2114, classified in class 424, subclass 205.

VI. Claim 57, drawn to a plasmid with Accession Number I-2115, classified in class 424, subclass 205.

Applicants provisionally elect to prosecute Group IV, claims 43-50 and claim 53 drawn to a polypeptide and composition comprising the polypeptide and method of using the same, with traverse. The polypeptides claimed in Groups III and IV are each derived from the lyssavirus glycoprotein and so would not require a separate search. Even if the these inventions are distinct, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits even though it includes claims to independent or distinct inventions.” M.P.E.P. § 803 (emphasis added by Applicants). Because multiple searches are not required, there is no burden to the Office and Applicants respectfully request that the requirement for restriction between Groups III and IV be withdrawn.

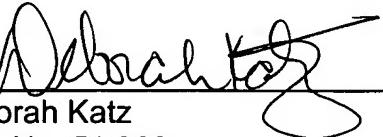
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 19, 2006

By:


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